IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 28083 of 2005

Between:

M/s. Lahari Bar & Restaurant,

situated at Premises No.5-5, Shop No.3,

Block No.M2, M.J.Road, Hyderabad,
Rep by its Manager G.Ashok

..... PETITIONER

AND

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and another

.....RESPONDENTS

ORDER:

This writ petition is filed to declare the action of the respondents in interfering and preventing the petitioners from running Bar and Restaurant in providing entertainment by way of live band/Orchestra with male and female singers in the petitioner's premises, as arbitrary, illegal and violative of the Judgment of the Apex Court and consequently permit him for conducting the Orchestra/Live Band with male and female singers in his premises.

The case of the petitioner is that he is the license holder for running Bar and Restaurant. He has obtained license from the Excise authorities to vend liquor in retail in the Bar in accordance with the provisions of the A.P. Excise Act and Rules and renewing the license from time to time. Apart from the sale of liquor, the petitioner is also serving food. Being the public place of amusement, the petitioner is required to take license from the Commissioner of Police, Hyderabad; and that the petitioner obtained license for establishment of a public entertainment (category II) on 04.07.2005 vide license No.326/2005-2006. The petitioner further contended that the said license granted for establishment of public place of amusement subject to certain special conditions authorizing the petitioner to transact the liquor business from 10 AM to 11 PM under the relevant rules and condition No.12 goes to show that the license shall not make use of the loud speaker or radio except under the special circumstances in such public places of halting which is situated on the joint of four roads, three roads or cross roads and which has no footpaths in front of it. As per condition No.11 no person, who has established a public place of halting shall use the loud speaker in the public place halting during the other timings than those, which have been permitted by the Commissioner of Police, Hyderabad city. It is not known whether any permission has been given to the petitioner either to have a loud speakers or live band/Orchestra to be played with men and women. But however, it

is stated that the petitioner has made a representation on 01.12.2005 to the 1st respondent requesting to permit him to have a live band/Orchestra with male and female singers.

The learned counsel for the petitioner submits that a batch of writ petitions have been disposed of on 09-11-2005 directing the first respondent to consider and pass appropriate orders on the representations made by the petitioners therein. As the respondents have so far not complied with the orders, the writ petitioners preferred a batch of writ appeals which were disposed of by a Division Bench of this Court, on 23.12.2005, directing the respondents to pass appropriate orders on the representations of the applicants and the applicants were allowed to carry on their activities in accordance with the licenses granted and that if the appellants feel aggrieved by the orders which may be passed by the first respondent, then they shall be free to avail appropriate legal remedy.

Having regard to the facts and circumstances of the case, and following the order of the Division Bench of this Court, the writ petition is disposed of directing the first respondent to consider and pass appropriate orders on the representation made by the petitioner for allowing him to have live band/Orchestra in his Bar and Restaurant with male and female singers in accordance with the license issued to him. Further, the respondents shall also not interfere with the activity, if the petitioner uses live band/Orchestra. However, if other activities are carried out in the Bar and Restaurant, the authorities concerned shall be free to take appropriate action in accordance with law. If the petitioner feels aggrieved by the orders, which may be passed by the first respondent, then he shall be free to avail appropriate legal remedy.

With the direction indicated above, the writ petition is disposed of in terms of the Judgment of the Division Bench in a batch of writ appeals. No costs.

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V.ESWARAIAH,J

Dated: 30.12.2005

Dsr